

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

MDL No. 2:18-mn-2873-RMG

This Document Relates To:

The City of Muscle Shoals, Ala., et al., v. 3M Company, Inc., et al., No. 2:24-cv-07479-RMG (“Muscle Shoals”)

Colbert County, Ala., et al., v. 3M Company, Inc., et al., No. 2:24-cv-07480-RMG (“Colbert County”)

Filed Pursuant to CMO 2A

PLAINTIFFS’ NOTICE OF PENDING MOTIONS TO REMAND

COME NOW, Plaintiffs The City of Muscle Shoals, Alabama, and the Muscle Shoals Utilities Board (“Muscle Shoals”) and Plaintiffs Colbert County, Alabama, and the Colbert County Water Department (“Colbert County”), and pursuant to CMO 2 ¶ 41, provide notice that pending remand motions were filed in the above actions but never ruled on by the United States District Court for the Northern District of Alabama.

Not including various motions to expedite, motions to stay, and motions to continue filed in both cases—as well as responses and replies thereto, the parties’ arguments in support of removal and remand encompass more than twelve (12) filings totaling over 200 pages of argument in both *Muscle Shoals* and *Colbert County*, as well as over 700 pages of evidentiary submissions in support, all filed in the United States District Court for the Northern District of Alabama, *to wit*:

- 3M Notice of Removal (*Colbert County/Muscle Shoals* Dkt. No. 1);
- Plaintiffs’ Motion to Remand and Memorandum of Law in Support (*CC/MS* Dkt. Nos. 3, 4);

- Plaintiffs’ Supplement to Motion to Remand and Memorandum and Evidentiary Submission in Support (*CC/MS* Dkt. Nos. 8–9);
- Plaintiffs’ Corrected Supplemental Memorandum and Evidentiary Submission in Support of Supplement to Motion to Remand (*CC/MS* Dkt. Nos. 10, 11);
- 3M Response in Opposition to Plaintiffs’ Motions to Remand (*CC* Dkt. No. 16; *MS* Dkt. No. 19);
- Plaintiffs’ Consolidated Reply in Support of Motions to Remand (*CC* Dkt. No. 24; *MS* Dkt. No. 27);
- Plaintiffs’ Sept. 13, 2024, Post-Hearing Letter Brief (*CC* Dkt. No. 30; *MS* Dkt. No. 33);
- 3M Sept. 16, 2024, Post-Hearing Letter Brief (*CC* Dkt. No. 31; *MS* Dkt. No. 34);
- Plaintiffs’ Sept. 18, 2024, Post-Hearing Letter Brief (*CC* Dkt. No. 35; *MS* Dkt. No. 38);
- 3M Sept. 20, 2024, Post-Hearing Letter Brief (*CC* Dkt. No. 39; *MS* Dkt. No. 43);
- 3M Oct. 22, 2024, Post-Hearing Letter Brief (*CC* Dkt. No. 40; *MS* Dkt. No. 44); and
- Plaintiffs’ Oct. 24, 2024, Post-Hearing Letter Brief (*CC* Dkt. No. 41; *MS* Dkt. No. 45).

The District Court never reached a decision on the remand issue. Now, in the interests of judicial economy and for efficiency and ease of reference for the Court, Plaintiffs have filed (with the express approval of class counsel) a concise and abbreviated “Case-Specific Motion to Remand to State Court” (Dkt. No. 6610) for these cases, consolidating the Plaintiffs’ lengthy remand filings into a single, twelve (12) page motion.¹ Plaintiff Counsel conferred with Co-Lead Counsel about the filing of this Notice and Co-Lead Counsel consents to the filing of the same.

¹ Plaintiffs’ distilled motion to remand does not raise new arguments but instead focuses primarily on “case-specific” reasons why these actions should be remanded, including this Court’s prior orders (*i.e.*, the “law of the case” pursuant to CMO 3 ¶ 2) and binding 4th Circuit precedent. Plaintiffs’ original remand-related filings, on the other hand, included lengthy legal and factual arguments which this Court does not need to consider to resolve these matters, such as arguments arising under 11th Circuit case law.

Respectfully submitted,

/s/ Jeff Friedman

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025, a copy of the foregoing was electronically filed using the CM/ECF system, which will send electronic notice of such filing to all counsel of record.

/s/ Jeff Friedman

OF COUNSEL